

ORDINANCE NO. 03 -2009

Adams County Tobacco Use Ordinance in County Buildings, Facilities and ~~on County~~ Property

The County Board of Supervisors of Adams County, Wisconsin hereby ordains as follows:

Sec. 1.01. **Governing Law.**

Wis. Stats. §101.123(2)(c) Authorization, statement of purpose, title.

- (a) Authorization. This article is adopted under the authority granted to the County by Wis. Stats. §101.123.
- (b) Statement of purpose. The County Board recognizes that use of tobacco products is a health hazard to individuals, both directly through deliberate use of tobacco products, and indirectly through the Environmental Protection Agency identified risks of environmental tobacco smoke (a.k.a. side stream smoke, secondhand smoke). Use of smokeless tobacco contributes to littering and cleanliness problems.
- (c) Title. This article may be known as the Adams County Tobacco Use Ordinance in County Buildings, Facilities and Property.

Sec. 2.01. **Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) *County facility* means any building (including any enclosed, indoor area) and grounds owned or leased by the County.
- b) *County vehicle* includes all motorized vehicles, trailers, or attachments thereto, owned or leased by the County.
- c) *Tobacco Products* means inhaling, exhaling, burning, absorbing, lighting or carrying a lighted cigarette, cigar, pipe (or any other lighted smoking equipment) and the chewing, spitting, or oral placement of any chew, snuff, or smokeless tobacco.
- d) *Entrance* means a doorway which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot. It includes windows, and building ventilation systems.
- e) *Person in charge* means the person who ultimately controls, governs or directs the activities aboard a County vehicle or within a place where smoking is regulated under this Ordinance, regardless of the person's status as an owner or lessee.

- f) *Office* means any area, whether publicly or privately owned or occupied, that serves as a place of work at which the principal activities consists of professional, clerical or administrative services.

Sec. 3.01. **Intent & Purpose.**

The Adams County Board hereby finds that:

- a) Reports from the Surgeon General and Environmental Protection Agency have shown that breathing side stream or secondhand smoke is a significant health hazard to nonsmokers, particularly children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.
- b) Numerous scientific studies have found that tobacco smoke is a major contributor to air pollution.
- c) Air Pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers.
- d) Use of tobacco products creates a littering and cleanliness problem.
- e) Effects of tobacco use contribute greatly to the cost of health care and insurance costs to employers, employees and residents of Adams County.
- f) The Americans with Disabilities Act (ADA) requires that disabled people have full and equal access to public buildings including local buildings. The ADA recognizes severe respiratory conditions, such as asthma and chronic obstructive pulmonary disease (COPD) as a disability.

- 4.01 **Prohibition of use of tobacco products.** It shall be unlawful for any person to smoke or use tobacco products beginning March 1, 2009 in any County building, facility, and on County owned or leased property, including County owned vehicles.

- 4.02 **Exceptions.** ^{use of tobacco products} Smoking shall be allowed in the following areas:
- a) Only within fenced-in food stands located at the Adams County Fairgrounds that serve alcohol during County sponsored events.
 - b) Only more than thirty (30) feet from all County Park buildings, facilities, and children's play areas.

5.01 **Investigation.** County Health Officer or designee and the County Sheriff's Department or designee is authorized to investigate any violation of this section. Enforcement may be by citation pursuant to Wisconsin Statutes.

5.02 **Enforcement.** The Adams County Sheriff's Department, after receipt of a complaint, may enforce the provisions herein. The Corporation Counsel shall, upon receipt of a complaint from the Sheriff's Department, institute appropriate legal proceedings against the alleged offender.

5.03 **Penalty.** (a) Any person who violates this Ordinance may be cited for a forfeiture offense, a minimum of \$100.00, but not more than \$250.00.

Recommended for enactment by the Adams County Health and Human Services
Committee on this 9th day of January, 2009.

Alan Engle

Karl B. King

Patricia B. Townsend

Cynthia Loken

Joanne Sumpter

Jack Allen
Maureen Bruce

^{enacted}
Passed and adopted by The Adams County Board in Adams County, Wisconsin, this
20 day of January, 2009.

Al Sebastiani
Al Sebastiani, County Board Chair

Cindy Phillippi
Cindy Phillippi, County Board Clerk